IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

CRL.A.No. 39 of 2000(A)

ST.321/1997 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR . DT. 5.11.99.

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APPELLANT: COMPLAINANT

M/S.KARTHIK ENTERPRISES, XIII/519,
"KARTHIKA", K.V.LANE, SAW MILL ROAD,
P.O.KOORKENCHERRY, THRISSUR 7,
REP.BY PROPRIETOR C.K.PREMKUMAR,
S/O.C.KESAVADAS, CHATHANGATTIL HOUSE,
THRISSUR CHALAPPURAM , KOZHIKODE DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: ACCUSED AND STATE
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1. P.K.SURENDRAN, PROPRIETOR,
COOL PARK AIR CONDITIONER'S
WHILE LANE ROAD, MAYILPADAM,
THRISSUR.

2. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH
SRI.P.V.HARIHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO. 39 of 2000

DATED THIS THE 3RD DAY OF JULY 2007

JUDGMENT

Appellant is the complainant in S.T.No.321/97, the proceedings initiated under section 138 of the Negotiable Instruments Act in which the accused was acquitted under section 256(1) Cr.P.C. It is submitted that the complainant was laid up and he could not appear on the particular day.

In the circumstances, the appeal is allowed. The order of the court below is set aside. The court below is directed to permit the complainant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused.

The petitioner shall appear before the court below on 2-8-2007.

(K.R.UDAYABHANU)

JUDGE.

kvm/-

K.R.UDAYABHANU, J.

CRL.A. 39 OF 2000

HUDGMENT

3-7-2007.